

[*Goehring v. Koppell Steel Corp.*, 97-ERA-11 \(ALJ Mar. 14, 1997\)](#)
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U.S. Department of Labor
Office of Administrative Law Judges
7 Parkway Center
875 Greentree Road, Room 290
Pittsburgh, PA 15220

412 644-5754

DATE: MARCH 14, 1997

CASE NO: 97-ERA-11

In the Matter of:

LEE GOEHRING
Complainant

v.

KOPPEL STEEL CORPORATION
Respondent

Before: MICHAEL P. LESNIAK
Administrative Law Judge

**ORDER RECOMMENDING APPROVAL OF SETTLEMENT AND
DISMISSAL OF THE COMPLAINT WITH PREJUDICE**

This case arises under the employee protection provisions of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 (19). On November 7, 1996, the District Director, U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, notified the Respondent that it appeared that protected activity engaged in by the Complainant was a major contributing factor to his separation from the company, and accordingly, the Respondent should reinstate Complainant to his previous position, pay back

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wages, and expunge any records of his discharge.

Respondent timely requested a hearing, and a hearing was scheduled for February 11, 1997, in Pittsburgh, Pennsylvania. However, prior to the scheduled hearing date, counsel advised that they had reached a settlement agreement which was being reduced to writing and would be submitted for approval by the Secretary of Labor. Consequently, the hearing was cancelled by Order dated February 12, 1997. A duly-executed settlement agreement has now been submitted. It is appended hereto and is incorporated herein by reference.

Both parties to this proceeding have received independent counsel. I find the agreement to be fair, adequate and reasonable, and I believe that it is in the public interest to adopt the agreement as a basis for the administrative disposition of this case. Accordingly, I recommend that the settlement be approved and that the case be dismissed with prejudice.

Michael P. Lesniak
Administrative Law Judge

MPL/cls/bg

NOTICE: This Recommended Order and the administrative file in this matter will be forwarded for review by the Secretary of Labor to the Administrative Review Board, U.S. Dept. Of Labor, Rm. S-4309, Frances Perkins Bldg., 200 Constitution Ave., N.W., Washington, D.C. 20210. The Administrative Review Board has the responsibility to advise and assist the Secretary in the preparation and issuance of final decisions in employee protection cases adjudicated under the regulations at 29 CF.R. Parts 24 and 1978. See 55 Fed. Reg. 13250 (1990).